

RESTRICTED

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17 January 1949

ORIGINAL: ENGLISH

SUMMARY RECORD OF THE SECOND MEETING

Held at the Palais des Nations, Geneva,
on Monday, 17 January 1949, at 4.00 p.m.

Present:

Mr. YALCIN (Turkey)	Chairman
Mr. de BOISANGER (France)	
Mr. VINCENT (United States of America) (Ex Officio)	
Mr. AZCARATE	Principal Secretary

Mr. VINCENT, Minister Plenipotentiary of the United States of America to the Swiss Federal Government, explained that he was not yet in possession of his full credentials. He was in any event only acting ex officio, in view of the non-arrival of the United States Commissioner. Such instructions as he had already received were limited to two points: first, to secure if possible the agreement of the other members of the Commission that the Chairmanship should rotate; and secondly, to take part in discussions of administrative problems, particularly the arrangements to be made in regard to the Commission's onward journey to Jerusalem. He now understood that, at the informal meeting which had been held that morning the other members of the Commission had agreed on the first point, and had fixed 24 January as the date on which the Commission would assume its functions in Jerusalem; he did not therefore feel that he could make any further useful contribution to the Commission's work, particularly as he did not wish to commit the United States Commissioner, whose general views on the working of the Commission were not known to him.

In reply to a question by the CHAIRMAN, he said that he did not know whether the United States Commissioner could arrive in Jerusalem before 24 January, although he hoped that would prove to be the case.

As he was due to leave for America later in the week, he would appreciate the consent of the Chairman and other members of the Commission to his returning to Berne the next day.

The CHAIRMAN asked whether in the absence of the United States representative one of the United States political counsellors present at the meeting might act for the United States Commissioner pending the latter's taking up his seat on the Commission.

Mr. VINCENT (United States of America) thought that would be in order, provided it was understood that the reservation he had already made as to committing the Commissioner applied in that case also.

Mr. de BOISANGER (France) thought that even in the absence of the United States Commissioner or his fully accredited deputy the Commission could proceed to deal with certain urgent matters.

In the first place, he had prepared a draft Press Release announcing the decisions taken at the informal meeting held that morning, which he thought the Commission might approve and issue forthwith.

He then read out the draft Release, which consisted of an introductory paragraph giving the names of the representatives present; a paragraph announcing the decision that the Chairmanship should rotate; a paragraph stating that in view of the political and diplomatic nature of the problems which confronted the Commission, it would hold its meetings in private, the issue from time to time of Press releases being left to the discretion of the Chairman; and a paragraph announcing the decision to set up headquarters of the Commission in Jerusalem on 24 January 1949.

Some discussion ensued on possibilities of speeding up the Commission's journey to Jerusalem, to enable the date fixed for the establishment of headquarters there to be brought forward in view of the imminence of the elections there, but it was finally decided that technical transport considerations ruled out any acceleration.

Mr. VINCENT (United States of America) expressed misgivings about the reference in the Press Release to the necessity for holding meetings in private. He fully appreciated that in view of the delicate task confronting the Commission it would in fact prove necessary to adopt such a procedure, but, speaking for the Press of his own country, he felt that a decision so bluntly announced at the very outset of the Commission's work would provoke unfavourable comment and unnecessarily antagonise correspondents. He thought therefore that it would be better to omit any reference to the status of the meetings, and to confine the

relevant paragraph of the Release to the statement that the Chairman would issue Press Releases at his discretion, which, he thought, should be as frequently as possible, to avoid creating the impression, which could not fail to be harmful, that the Commission was intent on embracing secrecy for secrecy's sake.

The CHAIRMAN thought that it would be inadvisable to take any step which would place the Chair in the position of being obliged to issue some form of communiqué almost every day. Even the most innocuous release was liable to be misinterpreted or misquoted, wilfully or inadvertently, and the risk of embarrassment on that score would only be increased by issuing Press Releases more frequently than was absolutely necessary.

Mr. de BOISANGER (France) thought it would be better at the outset to make no bones about the matter, and to say frankly that the earlier meetings would be confidential. It might then prove possible subsequently to relax the restrictions, in which case the Commission would benefit from the favourable reaction which would follow such a step.

Mr. WILKINS (United States of America) thought it better to draft the text of the Press Release so as to leave the confidential nature of the meetings implicit until the issue was directly forced.

The PRINCIPAL SECRETARY thought that the Press would not be greatly surprised in any event, and that the mention of privacy should be retained.

Mr. VINCENT (United States of America) emphasized again that he fully realised the necessity for holding meetings in private; what was troubling him was whether Geneva was the best place in which to announce that fact.

Mr. YENISEY (Turkey) thought it normal and proper that it should be definitely stated in the first Press Release whether subsequent meetings would be private or public.

Mr. de BOISANGER (France) pointed out that the prime consideration was that no detail of the Commission's work should be lightly divulged.

The question of the Press Release before the meeting was in itself unimportant; what was important was that the Commission should adopt sound principles of security and adhere to them. He had already been approached by a newspaper correspondent with whom he was acquainted, who had informed him that the Commission was to be in Palestine by 24 January. It would be essential once the Commission was established in Palestine, that such leakages should be avoided, and that the greatest discretion should distinguish all their work. For those reasons he personally would like to see the smallest possible amount of material committed to paper; he would even go so far as to suggest that no summary records of their proceedings be taken, although that was perhaps a matter which should be more fully discussed at a later stage.

Nevertheless, he recognised that the anxiety of the representative of the United States of America was well-founded; and was therefore prepared to delete the reference in the Press Release to the diplomatic and political nature of the problems confronting the Commission if that amendment would reassure him.

After further discussion, it was decided to delete both the reference to political and diplomatic characteristics and also that to the nature of the meetings, the relevant paragraph being finally drafted as follows:

"The Chairman of the Commission will issue press releases on the work of the Commission whenever it may appear desirable to do so."

Mr. de BOISANGER (France) suggested that the Press Release would be incomplete without some tribute to the work of the late Count Bernadotte, the United Nations Mediator in Palestine.

This was unanimously agreed by the Commission and an appropriate paragraph was drafted and inserted.

Mr. de BOISANGER (France) further suggested that as a matter of courtesy the Commission should telegraph the text of the Press Release to the Acting Mediator, Mr. Bunche, in Rhodes, and take that opportunity of asking him to keep the Commission informed of the progress of his work there.

Mr. VINCENT (United States of America) suggested that the provision of information should be reciprocal.

Mr. de BOISANGER (France) having agreed, it was decided, after a brief discussion, that the Principal Secretary should send a telegram to the Acting Mediator in the sense agreed.

Replying to an enquiry by Mr. YENISEY (Turkey), Mr. de BOISANGER (France) said that he thought the Acting Mediator's statute did not bind him to keep the Commission informed of the progress of his work.

Mr. YENISEY (Turkey) asked for a more specific reply to the question whether the Commission's telegram to the Acting Mediator constituted a demand or a request.

It was decided that the telegram constituted a request, since, although ultimately the Commission would assume full responsibility for the work now being carried out by the Acting Mediator, at no time would the latter come under its orders.

Some discussion, initiated by Mr. YENISEY (Turkey), then ensued as to the exact status of the Commission and of its members.

Mr. YENISEY (Turkey) was of opinion that the members of the Commission should properly be termed delegates, and not representatives, since they sat as members of an impartial and supra-national organ set up by the United Nations, and not as representatives of their respective countries.

Mr. de BOISANGER (France), referring to the resolution of the General Assembly of 11 December 1948, which constituted the Commission's terms of reference, dissented, pointing out that the Commission was made up of three countries, namely France, Turkey and the United States of America, and not of individuals. The countries elected for that purpose by the General Assembly had in turn appointed their representatives to act for them on the Commission, so that the term "representatives" was accurate and proper.

In answer to a further question by Mr. YENISEY (Turkey), he went on to give as his opinion that the Commission as set up was to some extent independent both of the Governments of the countries of which the members of the Commission were nationals, and of the United Nations itself.

It was true that those present in the first place represented their countries; but it was equally true that their countries retained complete liberty in respect of other action they might find expedient or desirable in connection with the Palestine conflict outside the framework of the United Nations machinery for conciliation, including the present Commission, without consulting the members of the Commission or indeed even informing them of such action. The logical corollary to that situation was that similar independence of their Governments attached to the members of the Commission.

As regards relations with the United Nations, the General Assembly had set up the present Conciliation Commission, but that did not mean that the latter was under the direct orders of the Assembly, still less under those of the Security Council. He could find no justification in the terms of reference constituted by the resolution of 11 December 1948 to support any conflicting theory. Naturally, should either the General Assembly or the Security Council find it necessary in the future to issue further directives regarding the settlement of the Palestine problem, the Commission would take them into full consideration; but he thought the original terms of reference sufficiently broad to give the Commission the greatest liberty of action in the execution of its task. In due course it would report back to the General Assembly, if the latter were in session, or, between sessions, to the Secretary-General, who would transmit its communications to the appropriate bodies. That obligation, however, was far from placing the Commission under the direct authority of any United Nations body, except the General Assembly in so far as the specific obligation to formulate a statute for the City of Jerusalem, referred to in the terms of reference, was concerned,

Such were his views on the status of the Commission.

After further discussion it was mutually agreed to defer further consideration of this procedural question.

Arrangements for transferring the seat of the Commission from Geneva to Jerusalem were also discussed during the course of the meeting, and it was tentatively agreed that members should leave Geneva for either Athens or Istanbul on Thursday, 20 January, the final stage of the journey to be made early on Monday, 24 January from Ankara, to enable the Commission to gain the sanctuary of Jerusalem and the aircraft to return to its base before curfew on that day.